

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	EDMUND HO,	Case No. 3:23-cv-00066-ART-CLB
4		Plaintiff
5	v.	ORDER
6	STATE OF NEVADA,	
7		Defendant
8		

9 **I. DISCUSSION**

10 On February 14, 2023, Plaintiff Edmund Ho, an inmate in the custody of the
11 Nevada Department of Corrections (“NDOC”), submitted an application to proceed *in*
12 *forma pauperis*. (ECF No. 1.) Plaintiff has not filed a complaint or any other documents
13 with his application to proceed *in forma pauperis*.

14 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
15 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court gives Plaintiff until **April**
16 **21, 2023**, to submit a complaint to this Court.

17 If Plaintiff fails to file a complaint or before **April 21, 2023**, this case will be subject
18 to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff
19 is able to file a complaint. A dismissal without prejudice means Plaintiff does not give up
20 the right to refile the case with the Court, under a new case number, when Plaintiff is able
21 to file a complaint.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to
24 this Court on or before **April 21, 2023**.

25 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
26 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

27 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint on or before
28 **April 21, 2023**, this case will be subject to dismissal without prejudice for Plaintiff to refile

1 the case with the Court, under a new case number, when Plaintiff is able to file a
2 complaint.

DATED THIS 17th day of February 2023.

UNITED STATES MAGISTRATE JUDGE